Docket No.: 03331/1201982-US1

REMARKS

This Amendment formally responds to the Official Action mailed on July 13, 2004.

In the outstanding Office Action, claims 1-10 were rejected on the grounds of the

judicially created doctrine of obviousness-type double patenting. On November 19, 2004, a

Terminal Disclaimer was entered into the record. Applicants submit that withdrawal of this ground

for rejecting the claims is appropriate at this time. If the Examiner is invited to contact the

undersigned if another copy of the Terminal Disclaimer is required.

In the outstanding Office Action, a section 112 rejection was raised against claims 11-28

which have been canceled by this Amendment. Accordingly, this rejection is no longer a ground for

withholding allowance of this application, and Applicant reserves the right to pursue the subject

matter of the canceled claims in a continuing application.

In the outstanding Office Action, claims 1-10 were rejected under section 103 for the

reason that the Patent Office considered the subject matter of those claims to be obvious over Moran

et al. 5,717,879 in view of Chiu 5,101,402.

During an Interview conducted on November 16, 2004, Moran et al. and Chiu were

discussed relative to independent claim 1 and agreement was reached that amendments to claim 1

would place claims 1-10 in condition for allowance. Applicant understands that Examiner Dinh

has, in fact, prepared an Examiner's Amendment consistent with this agreement; however,

Applicants have not received a copy of that Examiner's Amendment as of today's date. In view of

the deadline set for response in the outstanding Office Action, Applicant presents the agreed-upon

amendments to claim 1 in this Amendment.

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Subsequent to the Interview, on December 14, 2004, Applicants submitted Comments on the Substance of the Interview Summary. For completeness, Applicants include those comments below:

Applicants concur with the substance as reported by the Examiner, the text of which and attachments thereto are incorporated in this Statement, and believes that it is a proper recordation of the items that it addresses. See MPEP 713.04 (items 1-5 and 7).

Applicants supplement the Interview Summary to address MPEP 713.04, item 6, "a general indication of any other pertinent matters discussed," in order to make the Interview Summary a complete recordation. Specifically, the record should reflect that the parent application, now U.S. Patent No. 6,122,665, is in litigation, which is the reason that Applicants' representative requested the interview and expedited handling of the applications.

No specific information relating to the validity of the '665 patent been provided in that litigation.

Applicants believe that the application is in condition for allowance and request prompt and favorable review of the foregoing amendments and remarks, and passage of this application to issuance.

Dated: January 12, 2005

Respectfully submitted,

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Appl. No.: 09/664,755 Amdt. Dated Jan. 12, 2005 Reply to Office Action of July 13, 2004 Application No. (if known): 09/664,755

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Four Month Request for Extension of Time Under 37 C.F.R. §1.136(a) (1 pg.); Amendment Transmittal (1 pg.);